

1132 U.S. PTO
03/07/02

Patent
Attorney's Docket No. 032796-101

jc828 U.S. PTO
10/092411
03/07/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/134,001 filed on August 13, 1998, for NUCLEIC ACID AND AMINO ACID SEQUENCES RELATING TO STAPHYLOCOCCUS EPIDERMIDIS FOR DIAGNOSTICS AND THERAPEUTICS, by the following named inventor(s):

- (a) Full Name Lynn A. Doucette-Stamm
(b) Full Name David Bush
(c) Full Name

☐ Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name
(b) Full Name
(c) Full Name

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name
(b) Full Name
(c) Full Name



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- ☐ Applicant(s) suggests Figure _ for inclusion on the front page of the patent application publication and/or patent.
1. ☒ Enclosed is a copy of the prior Application No. 09/134,001 as originally filed on August 13, 1998, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☐ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$740.00 (101)
Total Claims	18	MINUS 20 =	0	× \$18.00 (103) =	0
Independent Claims	7	MINUS 3 =	4	× \$84.00 (102) =	\$336.00
If multiple dependent claims are presented, add \$280.00 (104)					
Total Application Fee					\$1,076.00
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of \$ _ if Assignment document is enclosed					
TOTAL APPLICATION FEE DUE					\$1,076.00

5. ☐ Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
6. ☒ A check in the amount of \$ 1,076.00 is enclosed for the fee due.
7. ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
8. ☒ Cancel in this application original claims 1-10 of the prior application before calculating the filing fee.
9. ☐ New drawings are enclosed.
10. ☐ Priority of Application No. _ filed on _ in _ (country) is claimed under 35 U.S.C. § 119.

- ☐ The certified copy of the priority application
- ☐ is enclosed.
- ☐ was filed on _ in prior Application No. _, filed on _, and acknowledged by the Examiner on _ in Paper No. _.
- ☐ has not yet been filed.

11. ☒ Please amend the specification by inserting before the first line the sentence:

- ☒ --This application is a ☐ continuation ☒ divisional of Application No. 09/134,001, filed on August 13, 1998, which claims priority of U.S. Provisional Application No. 60/055,779 filed on August 14, 1997, and U.S. Provisional Application No. 60/064,964 filed on November 8, 1997, all of which are hereby incorporated herein by reference in their entirety--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. _, filed on _, which was a national stage filing under 35 U.S.C. § 371 of International Application No. _ filed on _, which International Application ☐ was ☐ was not published by the International Bureau in English on _--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. _, filed on _, which was a continuation of International Application No. _, filed on _, which International Application ☐ was ☐ was not published by the International Bureau in English on _--.

12. ☐ A preliminary amendment is enclosed.

13. ☒ An Information Disclosure Statement is enclosed.

14. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.

15. ☒ Also enclosed is a Sequence Listing submitted on CD-Rom (3 copies); and Declaration Pursuant to 37 CFR §1.821-1.825.

16. ☒ The power of attorney in the prior application is to Teresa Stanek Rea, Mercedes K. Meyer, Nina Pearlmuter, and Robert Spadafora.

- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ Recognize as Associate Attorney _.

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- Teresa Stanek Rea**
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- ☐ inventor(s)
☐ assignee of complete interest
☐ attorney or agent of record
☒ filed under 37 C.F.R. § 1.34(a)

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099
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